

☐ UNCLASSIFIED ☒ INTERNAL ☐ CONFIDENTIAL ☐ SECRET

Approved For Release 2002/05/16 : CIA-RDP82-00357R000200040024-4

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Civil Service Status for CIA Employees

FROM:

**Chief, Plans and Review Staff
5 E 68**

NO.

DATE

29 May 1962

TO: (Officer designation, room number, and building)

DATE

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

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Director of Personn

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I recommend that you sign the attached memorandum to the DD/S on "Civil Service Status for CIA Employees". In accordance with your request, we have made the specific changes in the body of the memorandum which you requested. We have also added in Tab C a more detailed description of the procedural adjustments which would be necessary if we were to agree to follow the selection procedures of the Veterans Preference Act.

Messrs. [] have reviewed and concurred in the revised memorandum, including Tab C. STAT

[]
C/Plans and Review Staff STAT

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Executive Order 10577**Amending the Civil Service Rules and Authorizing a New Appointment System for the Competitive Service**

By virtue of the authority vested in me by the Constitution, by section 1753 of the Revised Statutes (5 U. S. C. 631), by the Civil Service Act of January 16, 1883 (22 Stat. 403), by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

PART I—CIVIL SERVICE RULES

NOTE: The civil service rules which were issued as Part I of this order are printed in Chapter Z1, beginning on page Z1-211.

PART II—SPECIAL PROVISIONS FOR TRANSITION FROM INDEFINITE APPOINTMENT SYSTEM TO CAREER-CONDITIONAL APPOINTMENT SYSTEM

SEC. 201 (a) Under such conditions as the Civil Service Commission may prescribe, all employees serving under indefinite appointments in the competitive service on the effective date of this order who were appointed by selection in regular order from appropriate competitive civil-service registers established subsequent to February 4, 1946, shall, as of the effective date of this order, have their appointments converted to career-conditional appointments if they have had less than three years of creditable service, and to career appointments if they have had three or more years of such service since they were appointed: *Provided*, That any such employees who left their positions prior to the effective date of this order to enter the armed forces of the United States and are reemployed in the competitive service after the effective date of this order pursuant to application for employment made within ninety

days after honorable discharge, or after hospitalization continuing after discharge for not more than one year, shall have their former indefinite appointments converted to career-conditional or career appointments in accordance with this section; *Provided further*, That employees serving in excepted positions who would meet the conditions for career-conditional or career appointments if they were serving in competitive positions shall be granted competitive status upon completion of a probationary period.

(b) The Commission may prescribe the conditions under which employees who are serving under indefinite appointments in the competitive service on the effective date of this order and who were not appointed by selection in regular order from competitive civil-service registers, may be examined and have their names entered on existing competitive civil-service registers. When such employees are within reach for appointment from such registers they shall be eligible for career-conditional appointments if, since they were given indefinite appointments, they have had less than three years of creditable service, and for career appointments if they have had three or more years of such service.

(c) All employees in the competitive service who on the effective date of this order are serving under indefinite appointments made noncompetitively based upon prior service with a competitive status shall, as of the effective date of this order, have their appointments converted to career-conditional appointments if they have had less than three years of creditable service, and to career appointments if they have had

three or more years of such service under either permanent or indefinite appointment: *Provided*, That any such employees who left their positions prior to the effective date of this order to enter the armed forces of the United States and are reemployed in the competitive service after the effective date of this order pursuant to application for employment made within ninety days after honorable discharge, or after hospitalization continuing after discharge for not more than one year, shall have their former indefinite appointments converted to career-conditional or career appointments in accordance with this section: *Provided further*, That any such employees in the field service of the Post Office Department whose salary rates are fixed by the Act of July 6, 1945, 59 Stat. 435, as heretofore or hereafter amended and supplemented, shall have their appointments converted to career appointments if they are serving in positions in the authorized complement of permanent positions (consisting of regular positions and positions within the authorized quota of substitutes).

(d) The Commission shall define "creditable service" and shall prescribe the conditions for completion of the period of creditable service required for career appointment.

(e) Except as provided in section 201 (c) hereof, this section shall not apply to employees serving under indefinite appointments in the field service of the Post Office Department whose salary rates are fixed by the Act of July 6, 1945, 59 Stat. 435, as heretofore or hereafter amended and supplemented.

SEC. 202 (a) Notwithstanding the provisions of section 201 (a) of this order, and subject to such noncompetitive examination or other requirements as the Commission may prescribe, any employee entitled to veteran preference who has a compensable service-connected disability of ten per centum or more may, upon recommendation of the agency concerned, noncompetitively acquire a competitive status subject to completion of a probationary period: *Provided*, That he is serving under an indefinite appointment, a temporary appointment pending establishment of a register, or a temporary appointment for job employment which has

been continuous for more than one year: *Provided further*, That recommendation for acquisition of status under this section is made not later than December 31, 1957.

(b) Any employee who is recommended for noncompetitive acquisition of competitive status under Section 202 (a) hereof and who satisfies the noncompetitive examination and other requirements of the Commission shall have the appointment under which he is serving converted to a career appointment if he has completed a probationary period or to a career-conditional appointment if he has not completed a probationary period. The career-conditional appointment of such an employee shall be converted to a career appointment upon completion of probation.

(c) An employee in the field service of the Post Office Department whose salary rate is fixed by the Act of July 6, 1945, 59 Stat. 435, as heretofore or hereafter amended and supplemented, may not be recommended for competitive status under Section 202 (a) hereof unless he can be appointed to a vacancy in the authorized complement of permanent positions (consisting of regular positions and positions within the authorized quota of substitutes). When such an employee is recommended for noncompetitive acquisition of competitive status and satisfies the noncompetitive examination and other requirements of the Commission, his appointment shall be converted to a career appointment subject to satisfactory completion of a probationary period.

SEC. 203 ¹ The career-conditional appointment of any employee entitled to veteran preference who has a compensable service-connected disability of ten per centum or more may be converted to a career appointment: *Provided*, ★ that he receives his career-conditional appointment prior to January 1, 1958, and that, not later than December 31, 1958, the agency in which he is employed recommends such conversion and certifies to the Commission ★ that he has satisfactorily completed a one-year proba-

¹ Amended August 23, 1956, effective January 23, 1955, the effective date of Executive Order No. 10577, by Executive Order 10675, and further amended December 12, 1957 by Executive Order 10745.

tionary period: *Provided further*, That any such employee who is not certified for career appointment under this section shall have his career-conditional appointment converted to a career appointment when he has completed the service requirement for such appointment prescribed under section 2.2 (a) of Civil Service Rule II. ★

SEC. 204 In order to effectuate the purposes of Section 1310 of the Supplemental Appropriations Act, 1952 (65 Stat. 757), as amended, the Commission shall, after consultation with the agencies concerned, determine the division of allowable permanent appointments within and between the excepted service and the competitive service.

SEC. 205 The Commission shall issue such regulations and instructions as may be necessary to effectuate the purposes of this part.

PART III

SEC. 301 The following-described executive orders and parts of executive orders are hereby revoked:

Part II of Executive Order No. 9830 of

February 24, 1947, amending the Civil Service Rules. *Provided*, That the positions listed in Schedules A, B, and C, as provided for in Civil Service Rule VI of that order, as amended, shall be considered as being listed in Schedules A, B, and C, respectively, as provided for in Civil Service Rule VI of this order, unless and until they are removed therefrom by the Commission.

Executive Orders No. 9973 of June 28, 1948, No. 10440 of March 31, 1953, and No. 10463 of June 25, 1953, amending Civil Service Rule VI.

Executive Order No. 10180 of November 13, 1950, Establishing Special Personnel Procedures in the Interest of National Defense.

PART IV

SEC. 401 This order shall become effective on the first Sunday after the sixtieth day after the date hereof.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE,
 November 22, 1954.

appointments to positions in agencies' headquarters offices which are located within the metropolitan area of Washington, D. C., shall be made so as to maintain the apportionment of appointments among the several States, Territories, and the District of Columbia upon the basis of population.

Sec. 02.4 Probationary period. Persons selected from registers of eligibles for career or career-conditional appointment shall be required to serve a probationary period under such terms and conditions as the Commission may prescribe.

Rule III—Noncompetitive Acquisition of Status

Sec. 03.1 Classes of persons who may noncompetitively acquire status. (a) Upon recommendation by the agency concerned, and subject to such noncompetitive examination, time limits, or other requirements as the Commission may prescribe, the following classes of persons may acquire a competitive status without competitive examination:

(1) A person holding a permanent position when it is placed in the competitive service by statute or executive order or is otherwise made subject to competitive examination.

(2) A disabled veteran who, in a manner satisfactory to the Commission, has completed a course of training in the executive branch of the Government prescribed by the Administrator of Veterans' Affairs in accordance with the Act of March 24, 1943 (57 Stat. 43).

(3) An employee who has served at least two years in the immediate office of the President or on the White House Staff and who is transferred to a competitive position at the request of an agency.

(4) An employee who was serving when his name was reached for certification on a civil-service register appropriate for the position in which he was serving: *Provided*, That the recommendation for competitive status is made prior to expiration of the register on which his name appears or is made during a period of continuous service since his name was reached: *Provided further*, That the register was being

used for appointments conferring competitive status at the time his name was reached.

Sec. 03.2 Appointments without competitive examination in rare cases. Subject to receipt of satisfactory evidence of the qualifications of the person to be appointed, the Commission may authorize an appointment in the competitive service without competitive examination whenever it finds that the duties or compensation of the position are such, or that qualified persons are so rare, that, in the interest of good civil-service administration, the position cannot be filled through open competitive examination. Any person heretofore or hereafter appointed under this section shall acquire a competitive status upon completion of at least one year of satisfactory service and compliance with such requirements as the Commission may prescribe. Detailed statements of the reasons for the noncompetitive appointments made under this section shall be published in the Commission's annual reports.

Sec. 03.3 Conversion of appointments. Any person who acquires a competitive status under this Rule shall have his appointment converted to career-conditional appointment unless he meets the service requirement for career appointment prescribed under section 02.2 (a) of Rule II.

Rule IV—Political Activity

Sec. 04.1 Prohibition against political activity. No person employed in the executive branch of the Federal Government, or any agency or department thereof, shall use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No person occupying a position in the competitive service shall take any active part in political management or in political campaigns, except as may be provided by or pursuant to statute. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.

Sec. 04.2 Prohibition against racial, political or religious discrimination. No person employed in the executive branch of the Federal

(d) A former incumbent of a permanent excepted position under an appointment not limited to one year or less or of a position in public or private enterprise when it was brought into the competitive service on a continuing basis, who left such position in order to perform active military service after June 30, 1950, may acquire a competitive status if:

(1) His position was brought into the competitive service before or during his military service or during the period in which he had restoration rights thereto, and he left his position to enter the armed forces before the expiration date for recommendation for competitive status;

(2) He has been released from military service under honorable conditions;

(3) He is recommended for reinstatement within six (6) months after discharge from the military service under honorable conditions (or after hospitalization continuing after discharge for not more than one year); and

(4) He meets the requirements of paragraph (b) (2) and (3) of this section.

(e) Any person who occupied a permanent excepted position under an appointment not limited to one year or less or a position in public or private enterprise when it was brought into the competitive service on a continuing basis, and who was separated thereafter, may acquire a competitive status provided:

(1) He is recommended for reinstatement within the time limits prescribed in paragraph (b) (1) of this section.

(2) He meets the requirements of paragraph (b) (2), (3) and (4) of this section.

(f) If the Commission disapproves a recommendation for acquisition of status under this section the agency or the person concerned may request the Commission to review its action within six (6) months after the date of the Commission's disapproval.

(g) The time limits prescribed in this section may be extended in the discretion of the Commission upon a showing by the agency that

circumstances beyond its control prevented it from recommending the person within such time limits.

(h) Any person retained under this section who was serving in an excepted position under an appointment limited to one year or less or in a position taken over from public or private enterprise on a non-continuing basis, shall be permitted to serve temporarily under the conditions prescribed by the Commission which shall be published in the Federal Personnel Manual.★

SEC. 3.102 Employees appointed without competitive examination in rare cases. A person appointed without competitive examination in rare cases under section 2.305, may, upon recommendation by the agency concerned, acquire a competitive status upon completion of at least one (1) year of satisfactory service.

SEC. 3.103 Disabled veterans who have completed a training course. A disabled veteran who receives a noncompetitive appointment under section 2.306 on completion of a training course prescribed by the Administrator of Veterans' Affairs in accordance with the act of March 24, 1943 (P. L. 16, 78th Congress) may, upon recommendation of the agency concerned, acquire a competitive status upon passing such examination as the Commission may prescribe.

SEC. 3.104 Employees who have served in the office of the President or on the White House Staff. Any employee who has served at least two (2) years in the immediate office of the President or on the White House Staff and who is transferred to a competitive position, at the request of an agency, may acquire a competitive status upon passing such examination as the Commission may prescribe.

SEC. 3.105 Employees who have been reached on a register. An employee who was serving when his name was within reach, for career or career-conditional appointment, on a register appropriate for the position in which he was serving may acquire a competitive status, subject to the following requirements:

★ Added December 13, 1955 (20 FR 32921) and amended October 21, 1960 Inst. 6.

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(d) A former incumbent of a permanent excepted position under an appointment not limited to one year or less or of a position in public or private enterprise when it was brought into the competitive service on a continuing basis, who left such position in order to perform active military service after June 30, 1950, may acquire a competitive status if:

(1) His position was brought into the competitive service before or during his military service or during the period in which he had restoration rights thereto, and he left his position to enter the armed forces before the expiration date for recommendation for competitive status;

(2) He has been released from military service under honorable conditions;

(3) He is recommended for reinstatement within six (6) months after discharge from the military service under honorable conditions (or after hospitalization continuing after discharge for not more than one year); and

(4) He meets the requirements of paragraph (b) (2) and (3) of this section.

(e) ¹ Any person who occupied a permanent excepted position under an appointment not limited to one year or less or a position in public or private enterprise when it was brought into the competitive service on a continuing basis, and who was separated thereafter, may acquire a competitive status provided:

(1) He is recommended for reinstatement within the time limits prescribed in paragraph (b) (1) of this section.

(2) He meets the requirements of paragraph (b) (2), (3) and (4) of this section.

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circumstances beyond its control prevented it from recommending the person within such time limits.

(h) ² Any person retained under this section who was serving in an excepted position under an appointment limited to one year or less or in a position taken over from public or private enterprise on a non-continuing basis, shall be permitted to serve temporarily under the conditions prescribed by the Commission which shall be published in the Federal Personnel Manual. ★

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¹ Added December 13, 1955 (20 FR 9292); and amended October 21, 1960. Inst. 6.

² Added October 21, 1960. Inst. 6.